

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA A. DIEMERT, an individual,

Plaintiff,

v.

THE CITY OF SEATTLE, a municipal
corporation; BRUCE HARRELL, in his official
capacity as the Mayor of the City of Seattle,

Defendants.

No. 2:22-CV-01640-LK

**STIPULATED MOTION AND
[PROPOSED] ORDER TO DISMISS
PURSUANT TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

Noting/Submission Date:
March 30, 2023

[Clerk's Action Required]

STIPULATION

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Joshua A. Diemert and Defendants The City of Seattle and Bruce Harrell (collectively the "Parties"), by and through their attorneys of record, respectfully move the Court for an order voluntarily dismissing the Complaint and all claims asserted in it, against Defendant Bruce Harrell.

In support of this request, the Parties represent the following to the Court:

1. Plaintiff filed an Amended Complaint on January 19, 2023, against Defendants The City of Seattle and Bruce Harrell in his official capacity as the Mayor of the City of Seattle.
2. The Parties conferred via email between March 7, 2023 and March 8, 2023.
3. On March 8, 2023, the Parties reached an agreement to dismiss Plaintiff's Complaint against Defendant Bruce Harrell.

4. The Parties have agreed to: (a) amend the case caption to remove Bruce Harrell as a Defendant, and (b) use the corrected caption going forward in this matter.

Stipulated this 30th day of March, 2023.

PACIFIC LEGAL FOUNDATION
Attorneys for Plaintiff Joshua A. Diemert

DAVIS WRIGHT TREMAINE LLP
*Attorneys Defendants The City of Seattle
and Bruce Harrell*

*Signature added per email authority on
March 30, 2023:*

By /s/ Laura M. D'Agostino

By /s/ Victoria M. Slade

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ORDER

The Court finding that the above stipulation is sufficient, it is hereby ORDERED, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), that this Complaint and all claims asserted in it are dismissed with prejudice as to Defendant Bruce Harrell, without attorneys' fees or costs to any party.

The Clerk of Court and the Parties are directed to: (a) amend the case caption to remove Bruce Harrell as a Defendant, and (b) use the corrected caption going forward in this matter.

IT IS SO ORDERED.

DONE IN OPEN COURT this _____ day of _____, 2023.

THE HONORABLE LAUREN KING
United States District Court Judge